

REMARKS

This is in response to the Final Office Action dated December 20, 2011. With this response, claim 1 is amended, and all pending claims 1-6 are presented for reconsideration and favorable action.

In the Office Action, a number of typographical errors in claim 1 were noted. Those errors have been corrected and it is believed that the rejection under 35 U.S.C. § 112 may be withdrawn.

In the Office Action, independent claim 1 was rejected based upon Stafford et al. (US 5,763,118)) in view of Izaki et al. (US 2002/0113685) and Thiele et al. (US 4,599,283), and further in view of Toyoda (JP 2001-243927). However, it is believed that the amended claims are patentably distinct from these references.

In the Office Action, the Stafford et al. reference is relied upon as showing a gap between adjacent half shells. However, this is not shown in Stafford et al. The two half shells appear to be in direct contact. Independent claim 1 has been amended to clarify that the gap is between opposed adjacent edges of the half shell and extends along an axial length of the half shells. As set forth in the claim and discussed in the specification, this gap allows expansion between the half shells during heating. This configuration is not shown or suggested by Stafford et al.

On page 4 of the Office Action, Stafford et al. is relied upon as showing an outer layer 48 of a thermally insulating material. However, the outer layer 48 of Stafford et al. is described as being of heat conductive fibers such as the same material as the heat conducting fibers 44 which are used to make heat conducting layer 42. (See column 5, line 29). Note that from the figure it simply appears that the fibers in the two layers are oriented at 90 degrees. (Compare layers 42 and 48 in Figs. 3 and 4 of Stafford et al). Thus, Stafford et al. actually teaches the opposite configuration. For this additional reason the rejection should be withdrawn.

As noted in the Office Action, Stafford et al. fails to teach a fusible link. For this, the Office Action now turns to the Izaki et al. reference. In the Izaki et al. reference element 32 is placed on the outside of the battery (see Fig. 17, element 22). This is in contrast to the claimed invention in which the protective device is positioned within the outer shell of the battery pack. For this reason

the rejection should be withdrawn. Further, the protective device is described as being placed adjacent an end of one of the plurality of electrical energy storage cells. This is also not shown by Izaki et al. The claimed configuration allows the protective device to be in close thermal proximity to an energy storage cell allowing it to trip based upon the true temperature of an energy storage cell. (Note that in the claims the ends of the energy storage cells are not described as being covered by the thermally conductive and thermally insulating layers).

Next, the Office Action turns to Thiele et al. in order to find the claimed strips and insulating end walls. However, the Thiele et al. device is not concerned with heat dissipation and is therefore not relevant to the present matter. In the Thiele et al. device, the end walls "40" are carried by the two opposed housings 42, 70. In contrast, in the claimed invention, the opposed half shells do not carry the end walls. Instead, in claim 1 the end walls are carried in an outer shell. Therefore, Thiele et al. does not show the claimed invention and the rejection should be withdrawn.

Next, the Office Action turns to the Toyoda reference. Although Toyoda describes heat-shrink tubing, there is no discussion in the abstract that the tubing is thermally insulating. Further, in Toyoda the tubing is applied directly to a battery. There is no discussion of half shells, nor is there a discussion of an inner layer which would be between the tubing and the battery. For this additional reason the rejection should be withdrawn.

The rejection is now based upon four different references. The cited sections of the references do not show all of the claimed elements. Further still, portions of the claimed references actually teach alternative configurations. For these reasons, it is believed that the claimed invention is in condition for allowance.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or

cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejection claims in further prosecution of this or related applications.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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